

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-GUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, BENJAMIN SHUMATE, BRITTANY TATIANA WEAVER, and CAMERON WILLIAMS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF TECHNOLOGY, UNIVERSITY OF CHICAGO, THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, CORNELL UNIVERSITY, TRUSTEES OF DARTMOUTH COLLEGE, DUKE UNIVERSITY, EMORY UNIVERSITY, GEORGETOWN UNIVERSITY, THE JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, NORTHWESTERN UNIVERSITY, UNIVERSITY OF NOTRE DAME DU LAC, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, WILLIAM MARSH RICE UNIVERSITY, VANDERBILT UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

Hon. Matthew F. Kennelly

PLAINTIFFS' STATEMENT OF COMPLIANCE WITH LOCAL RULE 37.2

This Local Rule 37.2 Statement accompanies Plaintiffs' Motion to Limit Redactions of Donor Names As to Northwestern and Yale. Plaintiffs have conferred in good faith with Northwestern and Yale in an effort to resolve issues raised by this Motion.

I. Discussions with Defendant Northwestern University

On April 24, 2023, Plaintiffs contacted Northwestern's counsel and sent a detailed letter regarding Northwestern's redaction of donor names from Donation Records that it has produced.¹ This letter outlined the prejudice Plaintiffs will face if they are unable to access donor names from Donation Records. This letter also included a table of the Bates numbers of 170 documents with donor names and/or other relevant information redacted.

On April 26, 2023, Northwestern responded to the letter on the issue of the redaction of donor names stating that it properly "redacted information pertaining to donors or donations only where such information would facilitate identification of a particular student – information protected by FERPA." Although Northwestern agreed to disclose certain information inadvertently redacted in two of the documents Plaintiffs identified, it would not agree to produce the donor names for any documents Plaintiffs identified.

On April 27, 2023, Plaintiffs and Northwestern continued to exchange emails about their respective positions. The Parties met and conferred on May 1, 2023 and agreed that they were at impasse.

II. Discussions with Defendants Yale University

On April 24, 2023 Plaintiffs contacted Yale's counsel and sent a detailed letter regarding Yale's redactions of donor names from Donation Records it has produced.² This letter outlined the prejudice Plaintiffs will face if they are unable to access donor names from Donation Records. This letter also included a table of the Bates numbers of 30 documents with donor names and/or other relevant information redacted.

¹ All correspondences with Northwestern on this matter have been attached as Exhibit A.

² All correspondences with Yale on this matter have been attached as Exhibit B.

On May 1, 2023, Yale's counsel responded that they redacted donor names at times where required by FERPA in circumstances where donor names could identify applicants, but otherwise did not redact donor names where there was no clear linkage between the donor and an applicant.

Plaintiffs met and conferred with Yale's counsel on May 2, 2023, and Yale maintained that under FERPA and the Confidentiality Order, it could not disclose donor names where such names might reveal the identity of a donor-linked applicant. A Court order would be required to produce a different result, and thus the Parties had reached impasse.

III. Conclusion

Plaintiffs respectfully submit that they have complied with Local Rule 37.2 as to the issues that are addressed in the accompanying Motion.

Dated: May 8, 2023

Respectfully Submitted,

By: /s/ Robert D. Gilbert

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